



# ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

## Editorial

Only for  
private  
circulation

Mandela Day is celebrated on 18<sup>th</sup> July each year in honour of Nelson Mandela legacy and raises the awareness of prisoners being a contiguous subset of society. The Institute has over the years celebrated this day with various events. We value the work of prison staff which is an important social service. Mandela Rules (2015) Protect the rights of persons deprived of liberty. The 122 Rules for Treatment of Offenders pay particular focus on the reformation and rehabilitation of the prison inmates. A comprehensive Model Prison Act with focus on correctional approach to prisons and holistic prison reforms is nearly finalized by the Ministry of Home Affairs and is keenly awaited by the state governments. There is a major shift in approach of the prison system, from mere detention places to one which focusses on rehabilitation. It's not just the change in nomenclature but the whole ethos that will have to be transformed which focusses on human dignity, reforms and rehabilitation. The Institute is regularly sensitizing the prison officers towards their role in rehabilitation and reintegration of prisoners.

A round table focusing on reintegration and rehabilitation of prisoners schemes was also held in collaboration with the Department of Social security and also the women and child development Department of Punjab State. It was good to have some of the released women prisoners also express their views and challenges faced by them upon release. Alternatives to imprisonment especially for women need to be developed in line with the Tokyo Rules. Some of those recommendation are shared in this newsletter. Legal Aid services to prisoners have been emphasized by the Hon'ble Supreme Court. An important role can be played by Para legal volunteers in prisons. This newsletter also covers the para-legal aid scheme of Malawi, an initiative of Penal Reforms International. It would be good to have training programs for prison inmates focused on the legal awareness to work as para-legals. Last year, I had interacted with PLVS in prisons in a programme conducted by Punjab State Legal Authority.

The Global Prison trends 2023, reported that 120 countries had prison populations exceeding their capacity. Digital solutions are being developed by more prisons including prison services which focus on both security and rehabilitation. Artificial intelligence and virtual reality is now being used in many prison systems of the world. The key drivers to digitally mature prisons are solution centered on need, cross organization strategies and partnerships and testing and evaluating the outcomes. This is something that will develop more in the next few years. We will keep you updated on these developments.

Dr. Upneet Lalli

**Courses/Workshops organised by the Institute of Correctional Administration,  
Chandigarh for the period from 01.04.2023 to 31.07.2023**

Sr. No.	Theme of the programmes	Course for	Dates	Duration of the Programme	Total Participants
1.	Three Workshop on ' <i>Departmental Inquiry and Disciplinary Proceedings</i> '	Prison Officers	27 <sup>th</sup> April 2023	One day	14
2.	Round Table Consultation on " <i>Reintegration Policy and Rehabilitation Scheme for the Women Prison Inmates</i> " in Collaboration with Social Security & Women and Child Development, Punjab	Prison Officers	13 <sup>th</sup> June 2023	One day	31
3.	Workshop on ' <i>Temporary Release of Prisoners: Parole, Furlough and Remission</i> '	Prison Officers	14 <sup>th</sup> June 2023	One day	18
4.	Workshop on ' <i>Disaster Risk Reduction in Prisons</i> '	Prison Officers	15 <sup>th</sup> June 2023	One day	20
5.	Training Programme on ' <i>Counselling Skills for Effective Policing</i> ' for H.P. Police	Police Officers	19 <sup>th</sup> -23 <sup>rd</sup> June 2023	Five days	10
6.	Training programme on ' <i>Drug Abuse Prevention in Prisons</i> '	Prison Officers	3 <sup>rd</sup> -5 <sup>th</sup> July 2023	Three days	21
7.	Webinar on ' <i>Implementing Mandela Rules: Prisoners Matter</i> '	Prison Officers	18 <sup>th</sup> July 2023	One day	51
8.	Training Programme on ' <i>Rehabilitation of Prison Inmates: A Re-Look</i> ' Sponsored by BPR&D, N. Delhi	Prison Officers	24 <sup>th</sup> -28 <sup>th</sup> July 2023	Five days	11

**Total Number of Courses and Prisons Officers/Others Trained in the Training  
Programmes from 01.04.2023 to 31.07.2023**

Total Training Programme conducted	:	08
Total Participants of Various Courses	:	176
a) Total Prison Officers Trained	:	141
b) Total Police Officers Trained	:	10
c) Total Other than Prison and Police Officers Participants	:	25

**Details of State Wise Prison Officers who participated in the  
Training Programmes from 01.04.2023 to 31.07.2023**

Sr. No.	State/U.T.	Supdt.	Dy. Supdt.	Asstt. Supdt./ Sub. Asstt.	Head Warden/ Warden Supdt.	Other Prison Officers	Total
1.	Delhi	7	12	2	-	-	21
2.	Punjab	11	10	18	3	1	43
3.	Haryana	-	12	41	7	-	60
4.	Himachal Pradesh	-	2	6	-	-	8
5.	Uttarakhand	-	-	-	3	-	3
6.	Chandigarh	-	-	3	-	-	3
7.	Uttar Pradesh	-	-	-	-	-	1
8.	Madhya Pradesh	-	1	-	-	1	2
	<b>Total</b>	<b>19</b>	<b>37</b>	<b>70</b>	<b>13</b>	<b>2</b>	<b>141</b>



# Activities in the Institute from April 2023 to July 2023

## Workshop on 'Departmental Inquiry & Disciplinary Proceedings' for Prison Officers on 27th April 2023 at ICA, Chandigarh

Disciplinary inquiry and proceeding is the subject that often remains neglected in the training. However, government employees throughout their careers need to follow certain conduct rules, therefore the Institute organised a one-day workshop on the theme wherein 14 prison officers participated. The key resource persons in the workshop were, Dr K.P. Singh, IPS, Former D.G. Prisons; Haryana; Sh. S.P. Arora HCS (Retd.) Advocate, Punjab & Haryana High Court, Chandigarh; Sh. Jagjit Singh Inspector General Prisons, Haryana and Dr Upneet Lalli. Resource persons informed the officers about common mistakes that an inquiry officer may commit while conducting an inquiry, Principles of Natural Justice, The Government Employees Conduct Rules 1966, and procedure to conduct a departmental inquiry.

## Round Table Consultation on "Reintegration Policy and Rehabilitation Scheme for the Women Prison Inmates" in Collaboration with Social Security & Women and Child Development, Punjab on 13th June 2023 at ICA, Chandigarh

The Institute of Correctional Administration (ICA), Chandigarh and the Department of Social Security & Women and Child Development, Punjab organized a Round Table Consultation on the theme of "Reintegration Policy and Rehabilitation Scheme for the Women Prison Inmates." The Consultation aimed to finalize the recommendations and measures required for the Punjab State Policy for the Reintegration of Women prisoners and a scheme for the



Sh S.P.Arora HCS (Retd.) Advocate, Punjab & Haryana High Court, Chandigarh distributing Certificates to the Participants of the Workshop on 'Departmental Inquiry and Disciplinary Proceedings'

Rehabilitation of Women prisoners after their release from prison.

Dr. Pam Rajput, Professor Emeritus, Punjab University; Dr. K.P. Singh, former D.G Police & Prisons Haryana; Sh. Manjinder Singh, District & Sessions-cum-Member Secretary, Punjab State Legal Services Authority, Punjab were the special invitees in the programme. The major recommendations relate to aftercare and follow up of released women prisoners. Reintegration of prisoners should be done in collaboration and coordination with

the Prison Department and various other departments such as the Department of Social Security, Women and Child Development, etc.

## Some of the Recommendations related to Rehabilitation Scheme for Support inside the Prison for Women Inmates by the Prison Administration:

1. Gender sensitization and counselling sessions should be conducted for both inmates and prison staff.
2. Individualized, gender sensitive, trauma informed and



Round Table Consultation on "Reintegration Policy and Rehabilitation Scheme for the Women Prison Inmates" in Collaboration with the Department of Social Security & Women and Child Development, Punjab at ICA, Chandigarh



comprehensive mental healthcare and rehabilitation programmes shall be made available for women prisoners with mental health care-care needs in prisons or non-custodial settings.

3. A panel of female doctors, gynaecologists, paediatricians, psychiatrists, and counsellors should be constituted from the nearest government hospital to visit the prison on a weekly basis.
4. Empowerment programmes/workshops should be conducted on life skills, self-worth and confidence building.
5. Awareness sessions should be conducted on the prevention of both communicable and non-communicable diseases such as HIV/AIDS, Hepatitis, Tuberculosis, STDs, Measles, Cancer, Diabetes, Cardiovascular Diseases, Chronic Respiratory Diseases, etc.
6. Women released from prison may require mentoring to become self-reliant and to start their normal life afresh after release for a certain period of time.
7. Family mulaqat should not be done through screens separating the prisoner from their family. Instead both the

inmate and their family should be allowed to be in the same room and meet whilst all sitting together.

8. Release plans should be made for each inmate released from prison. This should include, at a minimum: housing, facilitating transport, financial support, measures to ensure personal

and have been released.

11. A system of graded custody ranging from special security institutions to open institutions shall be provided to offer proper opportunities for the reformation of prisoners according to the progress made by them.

12. Any woman prisoner above the



Prof (Dr) Nishtha Jaswal, Vice-Chancellor, Himachal Pradesh National Law University, Shimla taking a Session in Hybrid Mode in the Workshop on 'Temporary Release of Prisoners: Parole, Furlough and Remission' at ICA Chandigarh

safety, especially for women and children, and links with community-based support organizations.

9. One Certificate for all types of Document Verification: Reduce the number of documents required to produce by women released from a custodial home to one certificate for all types of verifications.

10. There should be no disqualification for getting government jobs for the prisoners who have served their sentence

age of 70 years of age should be considered for premature release.

#### **Workshop on 'Temporary Release of Prisoners: Parole, Furlough and Remission' on 14th June 2023 at ICA, Chandigarh**

A total of 18 prison officers participated in this training workshop, 01 Superintendent, 01 Deputy Superintendent, 09 Assistant Superintendents, 06 Sub-Assistant Superintendents, and a warder attended the workshop. The topics covered in this workshop were Constitutional Provisions: Powers of Clemency Article 72 & 161; Premature Release concept; Parole and Furlough Difference; and Supreme Court Judgments on Remission. Prof (Dr) Nishtha Jaswal, Vice-Chancellor, Himachal Pradesh National Law University, Shimla. and Dr K.P. Singh, IPS, D.G. Police & Prisons (Former), Haryana were the key resource persons in this one-day workshop.



Mr. Devendar, GNER, DK Fire Service giving a Practical demonstration on the appropriate way of using a Fire Extinguisher to the Participants in the Workshop on 'Disaster Risk Reduction in Prisons' at ICA, Chandigarh

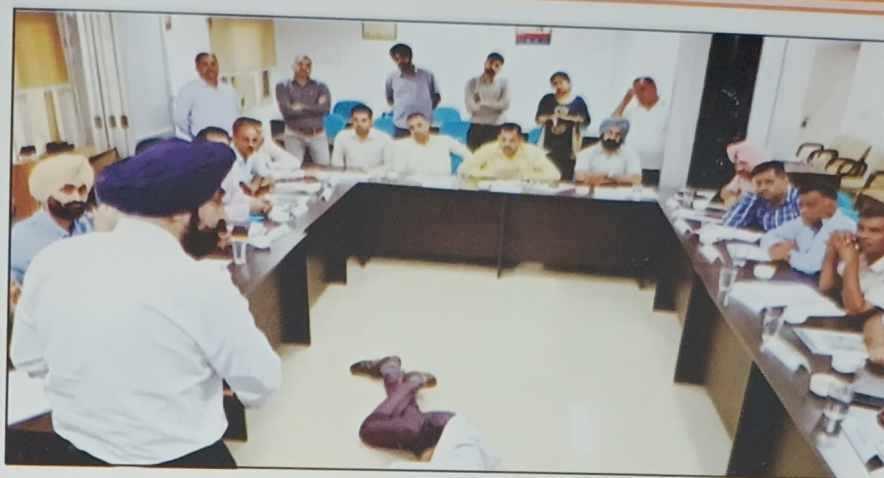


### **Workshop on 'Disaster Risk Reduction in Prisons' on 15th June 2023 at ICA, Chandigarh**

A total of 20 prison officers i.e., five from Punjab, ten from Haryana, two from Himachal Pradesh, two from Delhi and one from Chandigarh participated in this training workshop. The topics covered in the workshop were Prison & Disaster Management Preparedness by Dr. Upneet Lalli; Disaster Management Act, 2005 by Dr Karamvir Singh Khara, Director, IAS Today Chandigarh Academy; Practical Session on Fire Extinguisher by Sh. Devendar, GNER, DK Fire Service; Theory: Life-Saving Skills and Practical Session on Life-Saving Skills by Prof (Dr). Jog Bhatia, Senior Consultant, Disaster Management Department, Mahatma Gandhi State Institute of Public Administration (MGSIPA), Chandigarh. Participants appreciated the theme of the workshop and found the workshop extremely useful and informative. Participants desired that such workshops should be of longer duration to properly develop skills to reduce the risk of disaster in the prisons.

### **Training Programme on 'Counselling Skills for Effective Policing' for H.P. Police 19th -23rd June 2023**

The aim of the training programme was to impart training on various counselling skills required in different situations while performing



Prof.(Dr.) J. S. Bhatia, International HAZMAT Specialist, Sr. Consultant/DisasterManagement), MGSIPA, Govt. of Punjab taking a Practical Session on Life- Saving Skills in the Workshop on 'Disaster Risk Reduction in Prisons' at ICA, Chd.

police duties. A diverse range of topics i.e., Understanding Counseling Process; Understanding Gender & Gender-Based Violence for Effective Police Intervention; GBV Survivors and Policing: A Model; Cyber Crimes Against Women: Investigating Skills; Police & Counselling Role; Counselling in Family Feuds; Counselling Programmes for Effective Policing; Mediation & Legal Counselling; Trust Building Skills; Role Play; Women in Police & their Role in Counselling; Govt. Schemes for Women's Safety & Empowerment and Listening Skill Theory & Practical Exercises were covered in the five days. Besides a session on 'meditation and yoga', practical yoga lessons and a field visit to SPYM, Drug De-Addiction Centre, Sector 18, Chandigarh were also

included in the training curriculum. 10 police officers referring, 02 Inspectors and 08 Sub-Inspectors of Himachal Pradesh police participated in this training programme.

### **Training programme on 'Drug Abuse Prevention in Prisons,'3rd – 5th July 2023 at ICA, Chandigarh**

The Institute of Correctional Administration, Chandigarh organized a three-day programme on 'Drug Abuse Prevention in Prisons' for prison officers of northern states.

21 prison officers from Punjab, Haryana, Himachal Pradesh and Uttarakhand participated in this training programme. Various topics on drugs and substance abuse in prisons were covered in the three days programme, including a field visit to Drug De-Addiction Centre, SPYM, Chandigarh. Practical Yoga Classes were also organised for the officers. Sh.Jagjit Singh, IG Prisons, Haryana was the chief guest in the valedictory ceremony of the three-day training programme.

### **Webinar on 'Implementing Mandela Rules: Prisoners Matter' on 18th July 2023 at ICA, Chandigarh**

The Institute of Correctional Administration organized a webinar on Mandela Day. The aim of this webinar was to aware prison officers



Participants of the Five Days Training Programme on 'Counselling Skills for Effective Policing' for H.P. Police on Field Visit at Police Command & Control Centre (PCCC) and Integrated Command and Control Centre (ICCC), Sector 17, Chandigarh





Dr. Ajeet Sidana taking a Session in the Training programme on 'Drug Abuse Prevention in Prisons' at ICA, Chandigarh



Mr. Marco Teixeira, Regional Representative, Regional Office for South Asia (ROSA), UNODC, New Delhi, India giving his Special Remarks in the Webinar on 'Implementing Mandela Rules: Prisoners Matter'

to implement Mandela Rules to safeguard the basic rights of prison inmates inside the restricted zone. 51 prison officers of the rank of Superintendent, Deputy Superintendent and Assistant Superintendent of Prison from the State of Punjab (15), Haryana (17) and Delhi (19) participated in the webinar. The key speakers in the webinar were, Mr. Marco Teixeira, Regional Representative, ROSA, UNODC, New Delhi;; Ms. Seema Joshi Arya, Criminal Justice Expert, ROSA ; Sh. Somesh Goel, IPS, Former D.G Police & Prison, Himachal Pradesh; Dr. K.P. Singh, IPS, Former D.G. Police & Prison, Haryana; and Sh. Sanjay Beniwal, IPS, Director General of Prisons, Tihar, New Delhi.

**Training Programme on**

### **'Rehabilitation of Prison Inmates: A Re-Look' Sponsored by BPR&D, New Delhi, 24th – 28th July 2023 at ICA, Chandigarh**

The Institute of Correctional Admini-

stration, Chandigarh organised a five days training programme on 'Rehabilitation of Prison Inmates: A Re-Look' sponsored by the Bureau of Police Research & Development (BPR&D), Ministry of Home Affairs, New Delhi. 11 prison officers from the States of Haryana, Punjab, Madhya Pradesh, and Uttar Pradesh participated in this training program. The main aim of this training programme was to equip the participants for their role in the rehabilitation and reintegration of prison inmates. Sh. Nitin Kumar Yadav, IAS, Home Secretary Chandigarh Administration-cum-Director, ICA, Chandigarh was the Chief Guest in the valedictory function. He congratulated the participants and ICA faculty for the successful completion of the five days course and distributed certificates to the participants. In his valedictory address, he emphasized the need for rehabilitation of prison inmates and classification of prisoners that needs to be worked out not only on security basis but it should be in accordance with rehabilitation needs of the inmates also. He urged the prison officers to promote change and perform the role of reintegration in coordination with other departments.

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Sh. Nitin Kumar Yadav, IAS, Home Secretary Chandigarh Administration-cum-Director, ICA, Chandigarh distributing certificates to the Participants of the Training Programme on 'Rehabilitation of Prison Inmates: A Re-Look' Sponsored by BPR&D, New Delhi at ICA, Chandigarh



# BEST PRISON PRACTICES

## National

### Uttar Pradesh Prison: "ONE JAIL ONE PRODUCT" (OJOP)- A Programme under Uttar Pradesh Prison Administration & Reform Services

In Uttar Pradesh, there are almost 74 jails, housing nearly 90,000 inmates in various district and central jails situated across the state. The Government of Uttar Pradesh, after achieving remarkable success in the programme "One District One Product", now aims to achieve similar results in other fields. "One Jail One Product" was launched in its jails. This programme aims to create product-specific sub-industrial hubs across all the 74 district & central jails of Uttar Pradesh that will promote jail industries. The main objectives of the "One Jail One Product" Programme of Uttar Pradesh are, Development of crafts/skills in inmates and promotion of the art; increase in the income and employment of inmates for life; Improvement in product quality and to improve the products to compete in the market; to reform prisoners, improve their mental health and to improve the image of Prisons in the outside world. Further, it aims to take the concept of OJOP to national level after successful implementation at State level.

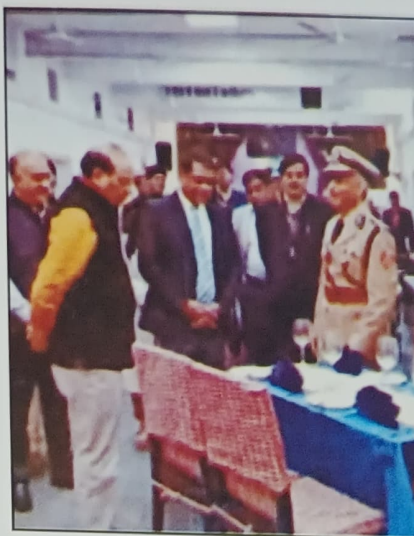
Various products like garments, temple objects, sports items, furniture, handcraft, shopping bags, Amla Products, Handloom products, etc. and many other products manufactured under "OJOP" shall be made available to buyers easily via online sales. Offline sales of products shall also be done via offline sales means like sales stalls in fairs, exhibitions and other marketplaces as designated Jail Outlets.



Uttar Pradesh Prisons' Products along with their Prize Tags under "One Jail One Product" Programme

### Delhi Prisons: Tihar Prisons "Prarambh Scheme"

Prarambh scheme was launched under the guidance and leadership of Sh. Sanjay Baniwal, DG (Prisons), Delhi. It is the first of its kind post release rehabilitation scheme in any prison in India. It aims to impart skill training and provide gainful employment to 1020 inmates in the first



phase. The programme is the single largest target (1020) skill training attempt ever done inside any jail in India. The Skill Development Training Programme is a part of the Innovative and Special Projects (ISP) initiative by the National Urban Livelihoods Mission (NULM), sanctioned for 1,020 inmates of Tihar Prisons by the Ministry of Housing and Urban Affairs (MoHUA), Government of India. The programme is being conducted in collaboration with Primero Skills Pvt Ltd and is assessed and certified by the Tourism and Hospitality Skill Council (THSC), in accordance with the National Skills Qualifications Framework. This programme was launched in February 2023.

492 inmates have been certified (including 79 female inmates) and 173 dropout candidates because of bail received during the training process by August 2023. 487 candidates are awaiting their assessment and certification to be completed, however, 30 inmate candidates failed the assessment, and 11 inmates are waiting for their result. This programme has a unique way of training. There is provision of jigsaw classrooms in prison wherein inter mixed of inmates with varying background and qualifications has been delivered trained through a skilful set of trainers from primero skills private limited with access to all facilities required for training including state of art labs. There is regular visits and interaction of placement workshops, mock interviews and industry leaders with inmates which has brought trust amongst inmates about programme's outcome. Further, jail staff and officers routinely participate in training programme. To achieve the objectives of the scheme the Prison Administration, Delhi has requested the Judiciary to grant conditional bail to the inmates who have successfully completed the training course.

## International

### MALAWI: The Paralegal Advisory Service Institute (PASI)

Malawi, officially the Republic of Malawi, is a

landlocked country in South-eastern Africa that was formerly known as Nyasaland. It is a country with high prison overcrowding and unsafe conditions for inmates. In 2009, prison occupancy was nearly 200% of official capacity. Courts are under-resourced, have huge backlogs, police arrest people before conducting investigations, and free legal aid is not available to most detainees. As a result, most people are unrepresented at all stages of the criminal justice process with no one to advocate on their behalf. Penal Reform International (PRI) established the organisation as "The Paralegal Advisory Service" in Malawi in the year 2000. It was set up as a Trust, "to make justice accessible to all people in Malawi through improving efficiency and effectiveness in the justice system and making it responsive to the needs of all users, particularly the poor and vulnerable". The aim was to create a public/private partnership linking four national NGOs with the Malawi Prison Service. In 2007, it evolved into the autonomous PAS Institute (PASI). It engages 38 paralegals to work in 21 out of Malawi's 26 prisons, in 18 police stations and



at 11 courts.

The organisation achieves its objectives with the various activities like spreading Legal literacy through legal aid clinics, direct assistance of detainees in various ways such as tracing witnesses or sureties or parents of young offenders, Improving communication, co-operation and co-ordination between the prisons, courts, police and communities. PASI provides a mobile link between these actors in the criminal justice system to increase its efficiency and improve its operation. It provides mediation services to conflict resolution services to avoid immediate recourse to the criminal justice system except where appropriate. It ensures an accurate flow of data to stakeholders and can highlight problems and lobby for solutions e.g. the destruction of a prison by an earthquake has led to prisoners being detained in inappropriate structures.

Source of Information: <http://pasimalawi.org/>

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# Supreme Court of India Judgment

## CRIMINAL APPEALATE JURISDICTION

Dr.Dhananjaya Y. Chandrachud; CJI.,  
Pamidighantam Sri Narasimha;  
J., J B Pardiwala; J. Febraury 6, 2023.

Miscellaneous Application No

2169 of 2022

In Writ Petition (Criminal)

No 36 of 2022

Raj Kumar versus The State of UP...

### Background Facts

Remission - Code of Criminal Procedure, 1973; Section 432 - it is not open to the State to adopt an arbitrary yardstick for picking up cases for premature release. In several decisions of this Court, it has been held that the case of a convict for premature release is governed by the applicable policy on the date of conviction [State of Haryana Vs Jagdish and State of Haryana Vs Raj Kumar]. The Standing Policy of the State of Uttar Pradesh as formulated on 1 August 2018 (as amended in 2021) contained a prohibition on the grant of premature release to convicts who had not completed the age of 60 years. The validity of the restriction was challenged before this Court in a batch of cases under Article 32 of the Constitution which eventually led to the judgment of Rashidul Jafar (supra). In the subsequent policy dated 27 May 2022, the bar on considering cases for premature release before a convict attains the age of 60 years stand lifted.

### Law Point

Code of Criminal Procedure, 1973 Section. 432 of CrPC and Section 433A CrPC, and Article 32 of the Indian Constitution forms the centre of this judgment.

### Held

- On 6 September 2022, this Court in its judgment in RashidulJafar @ Chota Vs State of Uttar Pradesh & Anr issued a slew of directions governing the premature release of persons sentenced to suffer imprisonment for life consequent upon their conviction under diverse provisions of the Indian Penal Code.
- Following the above decision, this Court has been repeatedly moved in petitions under Article 32 of the Constitution of India for securing the premature release of individual convicts because their cases for premature release have not been considered.
- Under the Uttar Pradesh Prisoners (Release on Probation) Act 1938, cases for premature release of prisoners sentenced to imprisonment for life and undergoing the sentence in the prisons of the State are

considered under Form 'A'. The State of Uttar Pradesh formulated the Uttar Pradesh Prisoners (Release on Probation) Rules 1938. Rule 4 of the Rules is in the following terms:-

- "Eligibility for release.—Any prisoner other than a prisoner specified in Rule 3, may be eligible for consideration by the State Government for release on licence—

(i) if he is a prisoner to whom Section 433-A of the Code of Criminal Procedure, 1973 applies and has served imprisonment for a total period of fourteen years;

(ii) if he is a prisoner sentenced to imprisonment for life to whom Section 433-A of the Code of Criminal Procedure, 1973 does not apply and has served imprisonment for a total period of fourteen years with remissions; and

(iii) in any other case if he has served one-third without remissions of the period of imprisonment to which he was sentenced."

- The State of Uttar Pradesh formulated a Standing Policy for premature release of prisoners sentenced to life imprisonment covered by Article 161 of the Constitution of India. The State Government formulated a Standing Policy on 1 August 2018. The policy was subsequently amended on 27 May 2022.

- This Court directed that while, as a general principle, the policy which was in existence on the date of the conviction would govern the consideration of each case for premature release, in the event that a more liberalized policy is instituted subsequently, the case should be considered on the basis of the more liberalised provision.

- Despite the judgment of this Court in Rashidul Jafar, cases were being repeatedly brought to this Court under Article 32 of the Constitution where despite the convict having fulfilled the conditions of eligibility for the grant of premature release, cases were not being dealt with in terms of the policy.

- This Court issued a direction requiring the Director General of Police to file an affidavit explaining the following:

(i) The steps which have been taken in pursuance of the decision of this Court in RashidulJafar @ Chota (supra) for considering cases for pre-mature release and the institutional arrangements which have been put into place;

(ii) How many convicts are eligible for being considered for premature release, districtwise, in the State of Uttar Pradesh;

(iii). How many cases have been considered for pre-mature release since the decision of this Court in Rashidul Jafar @ Chota( supra);

(iv). How many cases remain to be considered;

and

(V). The time period within which the cases shall be considered."

- In pursuance of the above direction, an affidavit filed by the Director General of Prisons, stated that 2,228 convicted prisoners have completed 14 years of actual imprisonment (in terms of the Rules of 1938 which were prevalent on the date of the conviction) and are eligible for being considered for premature release.

- The note submitted by the Amicus Curiae indicates that the basic problem lies in the State Government adopting a pick and choose policy. The Amicus Curiae submits that though the conviction by the trial court is prior to 1 August 2018 (the date on which the Standing Policy was originally notified), instead of applying the Uttar Pradesh Prisoners Act, 1938 in terms of which a convict who has undergone 14 years actual sentence is eligible for premature release, the authorities await the convict undergoing an actual sentence of 16 years so as to consider the case of premature release in terms of the subsequent policy.

- The State having formulated Rules and a Standing Policy for deciding cases of premature release, it is bound by its own formulations of law. State must strictly abide by the terms of its policies bearing in mind the fundamental principle of law that each case for premature release has to be decided on the basis of the legal position as it stands on the date of the conviction subject to a more beneficial regime being provided in terms of a subsequent policy determination. The provisions of the law must be applied equally to all persons.

- Out of the 50 persons whose cases have been brought to the notice of this Court, as stated earlier, three have been released, one has been acquitted and one has been released on completing the sentence. In the case of two persons, their premature release has been rejected. One person is stated to be ineligible for premature release not having completed fourteen years of mandatory imprisonment. Of the remaining pending cases, five cases are pending at District Magistrate level; twenty five are pending at the Headquarters (Prisons) while twelve are pending with the State Government.

- All the pending cases shall be disposed of on or before 30 April 2023 in terms of the above directions and a report of compliance shall be filed before this Court on affidavit by the Director General of Prisons.

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